

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2699

Introduced by Assembly Member Bass

February 19, 2010

An act to amend Section 900 of, and to add Section 901 to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2699, as amended, Bass. Healing arts: licensure—~~exemption: immunity from liability.~~ *exemption.*

Existing law provides for the licensure and regulation of various healing arts practitioners by boards within the Department of Consumer Affairs. Existing law provides an exemption from these requirements for a ~~healing arts~~ *health care* practitioner licensed in another state who offers or provides health care for which he or she is licensed during a state of emergency, as defined, and upon request of the Director of the Emergency Medical Services Authority, as specified.

This bill would also provide an exemption from the licensure and regulation requirements for a ~~healing arts~~ *health care* practitioner, as defined, licensed in another state who offers or provides health care *services* for which he or she is licensed (1) ~~to uninsured or underinsured persons,~~ (2) on a short-term voluntary basis ~~(3),~~ (2) in association with a sponsoring entity that registers with ~~the Medical Board of California,~~ *and provides specified information to, the designated local agency, as defined, selected by a local government entity, as defined* ~~and provides certain information to the county health department of the county in which the care will be provided, and~~ (4) (3) without charge to the recipient or a 3rd party on behalf of the recipient, as specified. ~~The bill~~

~~would grant that practitioner and the sponsoring entity immunity from liability for any injury sustained by a person by reason of the services provided under this provision, except as specified. This~~ *The bill would also prohibit a contract of professional liability insurance issued, amended, or renewed on or after January 1, 2011, from excluding coverage of these practitioners or a sponsoring entity for providing care under these provisions. The bill would also state the intent of the Legislature that these health care services be provided primarily to uninsured and underinsured persons, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 900 of the Business and Professions Code
- 2 is amended to read:
- 3 900. (a) Nothing in this division applies to a health care
- 4 practitioner licensed in another state or territory of the United
- 5 States who offers or provides health care for which he or she is
- 6 licensed, if the health care is provided only during a state of
- 7 emergency as defined in subdivision (b) of Section 8558 of the
- 8 Government Code, which emergency overwhelms the response
- 9 capabilities of California health care practitioners and only upon
- 10 the request of the Director of the Emergency Medical Services
- 11 Authority.
- 12 (b) The director shall be the medical control and shall designate
- 13 the licensure and specialty health care practitioners required for
- 14 the specific emergency and shall designate the areas to which they
- 15 may be deployed.
- 16 (c) Health care practitioners shall provide, upon request, a valid
- 17 copy of a professional license and a photograph identification
- 18 issued by the state in which the practitioner holds licensure before
- 19 being deployed by the director.
- 20 (d) Health care practitioners deployed pursuant to this chapter
- 21 shall provide the appropriate California licensing authority with
- 22 verification of licensure upon request.
- 23 (e) Health care practitioners providing health care pursuant to
- 24 this chapter shall have immunity from liability for services rendered
- 25 as specified in Section 8659 of the Government Code.

(f) For the purposes of this section, “health care practitioner” means any person who engages in acts which are the subject of licensure or regulation under this division or under any initiative act referred to in this division.

(g) For purposes of this section, “director” means the Director of the Emergency Medical Services Authority who shall have the powers specified in Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

SEC. 2. Section 901 is added to the Business and Professions Code, to read:

901. (a) For purposes of this section, the following provisions apply:

~~(1) “Board” means the Medical Board of California.~~

(1) “Designated local agency” means an office, department, agency, or other entity of a local government entity designated to act on behalf of a local government entity in accordance with this section.

(2) “Health care practitioner” means a physician and surgeon, osteopathic physician and surgeon, chiropractor, dentist, dental hygienist, nurse, vocational nurse, optometrist, or physician assistant.

(3) “Local government entity” means a city, county, or city and county having a public health officer.

~~(3)~~

(4) “Sponsoring entity” may include, but is not limited to, a nonprofit organization or a community-based organization.

~~(4) “Uninsured or underinsured person” means a person who does not have health care coverage, including private coverage or coverage through a program funded in whole or in part by a governmental entity, or a person who has health care coverage, but the coverage does not extend to the health care services offered by the health care practitioner under this section.~~

(b) A local governmental entity may, at its discretion, elect to allow for the provision of health care services within its jurisdiction by a designated local agency in accordance with this section.

~~(b)~~

(c) Nothing in this division applies to a health care practitioner licensed in good standing in another state, district, or territory of the United States who offers or provides health care for which he or she is licensed if both of the following requirements are met:

(1) Prior to providing that care, he or she submits to the ~~board~~ *designated local agency* a valid copy of his or her ~~license~~ *professional license or certificate* and a photographic identification issued by the state in which he or she holds licensure *or certification*. A sponsoring entity may submit copies of those documents to the designated local agency on behalf of a health care practitioner.

(2) The care is provided under all of the following circumstances:

~~(A) To uninsured or underinsured persons.~~

~~(B)~~

(A) On a short-term voluntarily basis, not to exceed a 90-day period.

~~(C)~~

(B) In association with a sponsoring entity that complies with subdivision ~~(e)~~ (d).

~~(D)~~

(C) Without charge to the recipient or to a third party on behalf of the recipient.

~~(e)~~

(d) A sponsoring entity seeking to provide, or arrange for the provision of, health care under this section shall do both of the following:

(1) Register with the ~~board~~ *applicable designated local agency* by completing a registration form that shall include all of the following elements:

(A) The name of the *sponsoring* entity.

(B) The name of the principal individual or individuals who are the officers or organizational officials responsible for the operation of the *sponsoring* entity.

(C) The address, including street, city, Zip Code, and county, of the *sponsoring* entity's principal office and each individual listed pursuant to subparagraph (B).

(D) The telephone number for the principal office of the *sponsoring* entity and each individual listed pursuant to subparagraph (B).

(E) Any additional information required by the ~~board~~ *designated local agency*.

~~(2) Provide the information listed in paragraph (1) to the county health department of the county in which the care will be provided,~~

1 along with any additional information that may be required by that
2 department.

3 (2) *Obtain authorization from the designated local agency to*
4 *provide health care services.*

5 ~~(d)~~

6 (e) The sponsoring entity shall notify the ~~board and the county~~
7 ~~health department identified in subdivision (c) in writing of any~~
8 *designated local agency in writing of any* change to the information
9 required under subdivision ~~(e)~~ (d) within 30 days of the change.

10 ~~(e)~~

11 (f) (1) Within 15 days of the provision of health care *services*
12 pursuant to this section, the sponsoring entity shall file a report
13 with the ~~board and the county health department of the county in~~
14 ~~which the care was provided~~ *designated local agency*. This report
15 shall contain the date, place, type, and general description of the
16 care provided, along with a listing of the health care practitioners
17 who participated in providing that care.

18 ~~(f)~~

19 (2) The sponsoring entity shall maintain a list of health care
20 practitioners associated with the provision of health care *services*
21 under this section. The *sponsoring* entity shall maintain a copy of
22 each health care practitioner's current license *or certificate* and
23 shall require each health care practitioner to attest in writing that
24 his or her license *or certificate* is not suspended or revoked
25 pursuant to disciplinary proceedings in any jurisdiction. The
26 *sponsoring* entity shall maintain these records for a period of at
27 least five years following the provision of health care *services*
28 under this section and shall, upon request, furnish those records
29 to the ~~board, any healing arts board under this division or an~~
30 ~~initiative act referred to in this division, or any county health~~
31 ~~department.~~ *designated local agency.*

32 (g) The ~~board~~ *designated local agency* may revoke the
33 registration of a sponsoring entity that fails to comply with
34 subdivision (d), (e) or (f).

35 (h) A contract of *professional* liability insurance issued,
36 amended, or renewed in this state on or after January 1, 2011, shall
37 not exclude coverage of a health care practitioner or a sponsoring
38 entity that provides, or arranges for the provision of, health care
39 under this section, provided that the practitioner or entity complies
40 with this section.

1 ~~(i) Health care practitioners and sponsoring entities providing,~~
2 ~~or arranging to provide, health care pursuant to this section shall~~
3 ~~have no liability for any injury sustained by any person by reason~~
4 ~~of that care, regardless of how or under what circumstances or by~~
5 ~~what cause those injuries are sustained, except in the case of a~~
6 ~~willful act or omission.~~

7 ~~(j) Subdivisions (b) and (i) shall not apply to a health care~~
8 ~~practitioner who renders care outside the scope of practice~~
9 ~~authorized by his or her license.~~

10 *(i) The designated local agency shall verify the current state*
11 *licensure or certification of each health care practitioner and shall*
12 *notify the sponsoring entity if the current licensure or certification*
13 *of a health care practitioner cannot be verified.*

14 *(j) It is the intent of the Legislature that health care services*
15 *provided pursuant to this section be provided primarily to*
16 *uninsured or underinsured persons. “Uninsured or underinsured*
17 *person” means a person who does not have health care coverage,*
18 *including private coverage or coverage through a program funded*
19 *in whole or in part by a governmental entity, or a person who has*
20 *health care coverage, but the coverage does not extend to the*
21 *health care services offered by the health care practitioner under*
22 *this section.*